

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

DAVID SANCHEZ

No. 17 CR 489

Honorable Robert M. Dow

**JOINT MOTION TO CONDUCT SENTENCING BY VIDEO
PURSUANT TO § 15002 OF THE CARES ACT**

The UNITED STATES OF AMERICA, by its attorney JOHN R. LAUSCH, JR., United States Attorney for the Northern District of Illinois, and defendant David Sanchez, by his attorney MICHAEL B. SCHMIEGE, jointly submit the following motion and request that this Court conduct the sentencing hearing scheduled for Friday, December 10, 2021 at 9:00 a.m. over the telephone or by videoconference. In support of which, the parties state as follows:

1. On August 14, 2019, a jury returned guilty verdicts on Counts One, Two, and Four of the superseding indictment in this case. Sentencing on those counts is currently scheduled for December 10, 2021 at 9:00 a.m.

2. On March 29, 2020, the Judicial Conference of the United States found that emergency conditions due to the national emergency declared by the President have affected and will materially affect the functioning of the federal courts generally.

3. On September 21, 2021, Chief Judge Rebecca Pallmeyer issued the Sixth Amended General Order 20-0022, IN RE: Criminal Case Procedures During COVID-19 Public Health Emergency. This Order authorizes the Court to conduct sentencing

hearings by videoconferencing “or teleconferencing if videoconferencing is not reasonably available.” Specifically, the Order states:

On the Chief Judge’s motion, pursuant to Section 15002(b)(2) of the CARES Act, the Court finds that felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure cannot be conducted in person in this district without seriously jeopardizing public health and safety. As a result, if a judge in an individual case finds, for specific reasons, that a felony plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice, the judge may, with the consent of the defendant after consultation with counsel, use video conferencing, or teleconferencing if video conferencing is not reasonably available, for the felony plea or sentencing in that case.

4. Defendant has been in pretrial custody at the MCC since 2017.
5. Defense counsel has conferred with Mr. Sanchez regarding this motion.

Mr. Sanchez, his counsel, and the government each consent to have the sentencing conducted either by video conference.

6. The parties jointly request that the Court enter the order submitted with this motion.

Date: November 29, 2021

Respectfully submitted,

JOHN R. LAUSCH, JR.
United States Attorney

/s/ Nicholas J. Eichenseer
NICHOLAS EICHENSEER
Assistant United States Attorney
219 S. Dearborn Street, 5th Floor
Chicago, Illinois 60604
(312) 353-1412

/s/ Michael P. Schmiede
MICHAEL P. SCHMIEGE
Attorney for David Sanchez